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HEWLETT-PACKARD COMPANY  
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EXAMINER

VIEAUX, GARY

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/056,118	<b>Applicant(s)</b> BATTLE ET AL.	
	<b>Examiner</b> Gary C. Vieaux	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/28/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy of United Kingdom application number 0102421.5, filed on January 31, 2001, has been received and made of record.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on the following date is in compliance with the provisions of 37 CFR 1.97 and is being considered by the Examiner: January 28, 2002.

### ***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology

often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: indicator 200 of figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the e-service provider (figure 4) receiving Digital photograph data as described in the specification (page 10 lines 20-21.) Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are further objected to because:

the Digital photograph data is described on page 9 line 20 of the specification as indicator 402 of figure 4, described on page 10 lines 20-21 of the specification as indicator 404 of figure 4, and illustrated in figure 4 of the drawings as indicator 404;

the Delivery destination is described on page 11 lines 20-21 of the specification as indicator 409 of figure 4, described on page 12 line 24 of the specification as indicator 410 of figure 4, and illustrated in figure 4 of the drawings as indicator 410;

the Personal Message Data is described on page 12 line 14 of the specification as indicator 417, but illustrated in figure 4 of the drawings as indicator 411; and

the Deliver address data is described on page 12 line 14 of the specification as indicator 416, but illustrated in figure 4 of the drawings as indicator 417.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

**Claims 18 and 20** objected to because of the following informalities:

Claim 18 recites the limitation "said electronic account data" in line 2. There is insufficient antecedent basis for this limitation in the claim;

Claim 20 recites the limitation " said... electronic account data " in line 4. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

For the purposes of examination of the claims on their merits, the claims will be interpreted as best understood by the Examiner, with dependency drawn from claim 15.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3 and 8** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Goldberg (WO 98/10358.)

Regarding claim 1, Goldberg teaches a camera installation comprising a camera capable of taking a photographic image data capturing an image over a field area of a

size capable of containing a plurality of human individuals (figure 2 indicator 63; p. 8 lines 9-11; p. 13 lines 17-32; p. 14 lines 20-29), a user portable activation device for activating said camera device to capture a said photographic image data, said activation device carrying a unique identifier data for identifying said user (figure 2 indicator 49; p. 7 line 33 – p. 8 line 6) and a data entry device capable of receiving data identifying a user of the camera installation, the data entry device being provided in close physical proximity to said camera device (figure 2 indicator 52; p. 8 lines 3-6.)

Regarding claim 2, Goldberg teaches all the limitations of claim 2 (see the 102(b) rejection to claim 1 supra) including a camera installation wherein said activation device is configured to automatically activate said camera on entering said field area (p. 8 lines 3-11.)

Regarding claim 3, Goldberg teaches all the limitations of claim 3 (see the 102(b) rejection to claim 1 supra) including a camera installation wherein said activation device is passively interrogated to read said unique identifier data when in close physical proximity to said data entry device (p. 9 line 35 – p. 10 line 7.)

Regarding claim 8, Goldberg teaches all the limitations of claim 8 (see the 102(b) rejection to claim 1 supra) including a camera installation wherein said data entry device comprises a radio receiver capable of receiving digital data uniquely identifying a user (p. 9 line 1 and lines 35-37; p. 10 lines 12-16.)

**Claims 12-19** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Donnelly et al. (US #6,809,762.)



Regarding claim 12, Donnelly teaches a photographic service system comprising at least one camera installation for capturing photographic digital image data in response to an input signal generated by a person (col. 4 lines 40-49; col. 5 lined 12-16), at least one service provider computer entity (fig. 1 indicator 22; col. 4 lines 33-39) configured to receive said image data from a said camera installation (col. 5 lines 14-16), receive user registration data describing personal details of a user (col. 4 lines 10-15) and receive delivery address data specifying a delivery destination for delivery of a photographic product (col. 5 line 63 – col. 6 line 4); said service provider computer entity configured to send said photographic image data to a destination specified by said delivery address data (col. 5 line 63 – col. 6 line 4.)

Regarding claim 13, Donnelly teaches all the limitations of claim 13 (see the 102(e) rejection to claim 12 supra) including a photographic service system wherein said at least one service provider computer entity is configured to receive user account data describing financial account data of a user (col. 3 line 64 – col. 4 line 9; col. 4 lines 33-39), send said account data to a financial institution for effecting payment of a monetary amount from said user (figure 1; col. 4 lines 3-12 and lines 33-39.)

Regarding claim 14, Donnelly teaches a method of providing photographic images to a user specified destination, said method comprising the processes of collecting electronic user registration data, describing a name and address of a user person (col. 4 lines 10-12; col. 5 line 63 – col. 6 line 4), collecting delivery destination data specifying a delivery destination of an image (col. 5 line 63 – col. 6 line 4), generating photograph image data of a field of view, in response to an input signal

generated by an individual person (col. 4 lines 44-48), and delivering a said image to a destination specified by said delivery destination data (col. 6 lines 1-4.)

Regarding claim 15, Donnelly teaches all the limitations of claim 15 (see the 102(e) rejection to claim 14 supra), including a method further comprising the processes of collecting electronic account data describing a financial account of said user person (col. 3 line 64 – col. 4 line 2) and using said electronic account data and electronic user registration data to collect payment for said processes of generating and delivering said image (col. 3 lines 20-21; col. 4 lines 3-12.)

Regarding claim 16, Donnelly teaches all the limitations of claim 16 (see the 102(e) rejection to claim 14 supra), including a method wherein said process of delivering said image comprises delivering an electronic image data file to a specified electronic said delivery destination (col. 6 lines 1-4.)

Regarding claim 17, Donnelly teaches all the limitations of claim 17 (see the 102(e) rejection to claim 14 supra) including providing the teaching wherein said process of delivering said image comprises transmitting said photographic image data between first and second computer entities as electronic data (col. 5 lines 12-16 and lines 54-60; in which the data is digitally captured in a camera and transmitted from the site to the server, and then transferred to a printer), at said second computer entity, converting said photographic image data into a physical photographic print (col. 5 lines 58-63), physically delivering said physical photographic print to a physical said delivery destination (col. 5 line 63 – col. 6 line 4.)

Regarding claim 18, Donnelly teaches all the limitations of claim 18 (see the 102(e) rejection to claim 15 supra), including a method further comprising the step of sending said electronic account data describing an account details of a said user, to a third party computer entity (col. 4 lines 3-9), and collecting a payment from said third party computer entity (col. 4 lines 10-12.)

Regarding claim 19, Donnelly teaches all the limitations of claim 19 (see the 102(e) rejection to claim 14 supra), including a method wherein said photograph image data is generated in response to an input signal received in close physical proximity to a site of capture of said photograph image data (col. 4 lines 40-49.)

**Claims 1-3** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Weston et al. (US #6,608,563.)

Regarding claim 1, Weston teaches a camera installation comprising a camera capable of taking a photographic image data capturing an image over a field area of a size capable of containing a plurality of human individuals (fig. 2 indicator 125; col. 3 lines 58-62), a user portable activation device for activating said camera device to capture a said photographic image data, said activation device carrying a unique identifier data for identifying said user (col. 7 lines 13-37), and a data entry device capable of receiving data identifying a user of the camera installation, the data entry device being provided in close physical proximity to said camera device (col. 7 lines 53-62.)

Regarding claim 2, Weston teaches all the limitations of claim 2 (see the 102(e)

rejection to claim 1 supra) including a camera installation wherein said activation device is configured to automatically activate said camera on entering said field area (col. 9 lines 8-13.)

Regarding claim 3, Weston teaches all the limitations of claim 3 (see the 102(e) rejection to claim 1 supra) including a camera installation wherein said activation device is passively interrogated to read said unique identifier data when in close physical proximity to said data entry device (col. 7 lines 1-37.)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 4-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg (WO 98/10358) in view of Baranowski (US #6,813,608.)

Regarding claim 4, Goldberg teaches all the limitations of claim 4 (see the 102(b) rejection to claim 1 supra) except for teaching a camera installation wherein said activation device is configured to store registration data describing personal details of said user.

Nevertheless, Baranowski is found to teach a portable device, interactive with automatic photographic equipment (col. 18 lines 8-32), which is configured to store registration data describing personal details of said user (col. 15 lines 1-10; col. 16 lines

8-22; col. 17 lines 32-34.) It would have been obvious to one of ordinary skill in the art at the time of the invention to integrate the portable device with the ability to store registration data as taught by Baranowski, with the activation device of the camera installation as taught by Goldberg. One of ordinary skill in the art at the time of the invention would have been motivated make this combination so that the activation device could also be used to retain entry data for a location/attraction or reservation/scheduling data for a particular attraction, each of which being data specific to the user. It would further have been obvious to one of ordinary skill in the art, that the activation device, in the form of a PDA (col. 6 line 9-15), would possess the ability to store registration data describing personal details of said user, in addition to other information the user chose to enter into the device, for the purposes of not having to remember the data/information.

Regarding claim 5, Goldberg teaches all the limitations of claim 5 (see the 102(b) rejection to claim 1 supra) except for teaching a camera installation wherein said activation device is configured to store user financial account data, which is transferable to said data entry device.

Nevertheless, Baranowski is found to teach a portable device, interactive with automatic photographic equipment (col. 18 lines 8-32), which is configured to store and transmit user financial account data (col. 12 lines 43-46.) It would have been obvious to one of ordinary skill in the art at the time of the invention to integrate the portable device with the ability to store and transmit financial account data as taught by Baranowski, with the activation device of the camera installation as taught by Goldberg. One of

ordinary skill in the art at the time of the invention would have been motivated to do so to increase the functionality of the activation device by allowing for purchases of the images to also be conducted through said data entry device, either instantaneously upon activation or later upon review, without the need to carry a credit card, cash or other forms of payment. The increased functionality would also allow for purchases of other items at a location, e.g., souvenirs at a theme park.

Regarding claim 6, Goldberg teaches all the limitations of claim 6 (see the 102(b) rejection to claim 1 supra) except for teaching a camera installation wherein said activation device comprises a hand held computer entity.

Nevertheless, Baranowski is found to teach a portable device, interactive with automatic photographic equipment (col. 18 lines 8-32), which can be embodied as a handheld or palm-size personal computer such as a PDA (col. 6 lines 9-15; col. 6 lines 48-67.) It would have been obvious to one of ordinary skill in the art at the time of the invention to construct a hand held computer entity as taught by Baranowski, to serve as the activation device of the camera installation as taught by Goldberg. One of ordinary skill in the art at the time of the invention would have been motivated to construct this combination in order to increase and/or include the functionality of a hand held computer entity, with the additional ability to also activate a camera. This combination could result in a activation device which could also as a mapping unit, communication unit, and/or scheduling unit to be used, for example, during a visit to a theme park.

**Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg (WO 98/10358) in view of Brennan (US #5,587,740), in further view of Frey et al. (6,369,908.)

Regarding claim 7, Goldberg teaches all the limitations of claim 7 (see the 102(b) rejection to claim 1 supra) except for teaching a camera installation wherein said data entry device comprises a keypad having a plurality of alphanumeric keys, by which a user may enter text data by activating said alphanumeric keys.

Brennan is found to teach a photo kiosk which includes an alphanumeric keypad and a flat panel display, and in which the user can add a superscripted text message to a captured image (col. 3 lines 56-60; col. 6 lines 47-52.) It would have been obvious to one of ordinary skill in the art to include an alphanumeric keypad for data entry and to add the ability to include messages to a captured image as taught by Brennan, with the camera installation as taught by Goldberg, so that a user may categorize or descriptively alter a captured image with the addition of a text image, such as "Greetings from the Great Divide" (fig. 4 indicator 130.) Brennan does not explicitly teach a user entering text data by activating said alphanumeric keys.

Nevertheless, Frey is found to teach a photo kiosk in which a user can add textual messages to a captured image via a keyboard or touch screen monitor (col. 4 lines 23-26.) It would have been further obvious to one of ordinary skill in the art at the time of the invention to add the ability to enter messages to a captured image as taught by Frey, by entering them via an alphanumeric keypad included with camera installation as taught by Goldberg and Brennan, so that a user is not limited to just adding a text

image, but may customize the textual message to be included on the captured image, if desired.

**Claims 9 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg (WO 98/10358) in view of Brennan (US #5,587,740.)

Regarding claim 9, Goldberg teaches all the limitations of claim 9 (see the 102(b) rejection to claim 1 supra) except for teaching a camera installation further comprising a visual display device, said visual display device displaying an operation menu, configured to prompt a user to understand operation of said camera installation. However, Goldberg does teach the camera and data entry device being integrated (p. 19 lines 6-8), as well as teach the use of a visual display device to present directions to a user (p. 30 lines 35-36.)

Nevertheless, Brennan is found to teach a photo kiosk in which the user is instructed in the operation of the kiosk via the speaker through a set of recorded instructions stored in the installation's memory (col. 6 lines 5-8.) Brennan also teaches inclusion of a flat panel color display (col. 3 lines 55-61) for use with text images (col. 6 lines 49-53.) It would have been obvious to one of ordinary skill in the art at the time of the invention to include the operational instructions as taught by Brennan, in a display format using the visual display device of the camera installation as taught by Goldberg. One of ordinary skill in the art at the time of the invention would have been motivated to combine these teachings in order to be able to prompt a hearing-impaired user on operation of the camera installation, or so that a user could be visually prompted in



situations where silence may be preferred, such as along a nature trail or within an art museum.

Regarding claim 11, Goldberg teaches all the limitations of claim 11 (see the 102(b) rejection to claim 1 supra) except for teaching a camera installation comprising a self-supporting casing capable of freestanding installation. However, Goldberg does teach the camera and data entry device being integrated (p. 19 lines 6-8.)

Nevertheless, Brennan is found to teach a photo kiosk comprised of a self-supporting casing capable of freestanding installation (fig. 2 indicator 10.) Given the teachings of Brennan, it would have been obvious to one of ordinary skill in the art at the time of the invention to create a self-supporting, freestanding camera installation, with the camera and data entry device both centralized. One would have been motivated to make this combination so that the camera installation would be free to be placed at remote locations which did not provide for other means of housing and support or which would minimize non-natural intrusions, such as at the beach or in a nature park.

**Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg (WO 98/10358) in view of Examiner's Official Notice.

Regarding claim 10, Goldberg teaches all the limitations of claim 10 (see the 102(b) rejection to claim 1 supra) except for explicitly teaching a camera installation wherein said camera installation is enclosed in a weatherproof casing, for outdoor use.

However, Goldberg does teach the camera and data entry device being integrated (p. 19 lines 6-8), as well as being employed in outdoor applications (p. 34 lines 6-13.)

Official Notice is taken regarding the knowledge that waterproof camera housings are often used when cameras are employed in outdoor environments; a concept that is well known and expected in the art. Given the applications of the camera installation of Goldberg, it would have been obvious to one of ordinary skill in the art at the time of the invention to enclose the camera installation in a weatherproof casing in order to protect the electronics within, particularly when employed in outdoor environments where it would be exposed to the elements of nature, such as the beach or on a ski slope.

**Claim 20** is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US #6,809,762) in view of Brennan (US #5,578,740), in further view of Baranowski (US #6,813,608.)

Regarding claim 20, Donnelly teaches all the limitations of claim 20 (see the 102(e) rejection to claim 15 supra), except for teaching a method wherein said steps of collecting electronic user registration data, collecting electronic account data, and collecting delivery destination data comprises transmitting said electronic user registration data, electronic account data and delivery destination data from a hand held computer entity device held by said user, to a camera installation comprising a camera which generates said photograph image data.

Brennan is found to teach a method of providing photographic images in which electronic account data is collected and photograph image data is generated at the

same location (fig. 2 indicator 10; col. 3 line 65 – col. 4 line 25.) It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the ability to purchase and be photographed at a single location as taught by Brennan, with the method of Donnelly, which includes the ability to register, pay, establish delivery data at one location and be photographed at other locations. One of ordinary skill in the art at the time of the invention would be motivated to combine these methods so that a user could register, pay, establish delivery data and be photographed, all at the same camera installation, which would allow for a user to make a spontaneous purchase of a photo at any location in which the service is offered (and then be established for being photographed again at another point of activation), without having to remember, arrange for, or plan for photos to be taken prior to a vacation or event. However, neither Donnelly or Brennan teach a method wherein said steps of collecting electronic user registration data, collecting electronic account data, and collecting delivery destination data comprises transmitting said electronic user registration data, electronic account data and delivery destination data from a hand held computer entity device held by said user, to a camera installation comprising a camera which generates said photograph image data.

Nevertheless, Baranowski is found to teach a portable device, interactive with automatic photographic equipment (col. 18 lines 8-32), capable of transmitting electronic user registration data (col. 13 line 62 – col. 14 line 16), electronic account data (col. 12 lines 43-46) and delivery destination data (col. 14 lines 17-28) from a hand held computer entity device held by a user (col. 6 lines 9-15 and lines 48-67), to a second computer

entity (col. 13 line 62 – col. 14 line 16.) It would have been further obvious to one of ordinary skill in the art at the time of invention to integrate the transmission abilities of the device as taught by Baranowski, with the method of providing photographic images as taught by Donnelly and Brennan. One of ordinary skill in the art at the time of the invention would have been motivated to make this combination in order to allow a user the ability to transmit the requisite data necessary to have photos taken, paid for, and delivered by means of a single device containing the requisite data, without the need to carry or swiping a credit card. One of ordinary skill in the art at the time of the invention would have also been motivated to make this combination so that the camera installation, possibly found in a remote location without human supervision, could receive the transmitted data necessary to have photos taken, paid for, and delivered, without requiring data entry means, such as a keypad or credit card swipe, which if required to be present, would only increase the components of the camera installation that could be vandalized or which could require maintenance.

**Claims 21, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US #6,809,762) in view of Weston et al. (US #6,608,563.)

Regarding claim 21, Donnelly teaches all the limitations of claim 21 (see the 102(e) rejection to claim 14 supra) except for teaching a method wherein a photographic image comprises a sequence of video images.

Nevertheless, Weston is found to teach a system for automated photo capture and retrieval in which the photographic image captured comprises a sequence of video images (col. 3 lines 58-62.) It would have been obvious to one of ordinary skill in the art at the time of the invention for the photographic image of the method as taught by Donnelly, to be comprised of a sequence of video images as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to capture video images in order to be able to create a video album based on captured situational reactions, possibly due to theme park thrill rides, or captured video messages, to further describe or personalize the moment.

Regarding claim 23, Donnelly teaches all the limitations of claim 23 (see the 102(e) rejection to claim 14 supra) except for teaching a method further comprising the process of displaying a photographic image data on a web site.

Nevertheless, Weston is found to teach an automated photo capture and retrieval system, in which the photographic image captured may be subsequently accessed by computer over the World Wide Web or other suitable internet system (col. 10 lines 33-36 and lines 50-56.) It would have been obvious to one of ordinary skill in the art at the time of the invention to display the photographic image data of the method as taught by Donnelly, on a web site as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to combine this feature as a way for family and friends at remote locations to view the images of an event from a location different than that of the event or that of the destination to which the images were/will be delivered.

Regarding claim 24, Donnelly teaches all the limitations of claim 24 (see the 102(e) rejection to claim 14 supra) except for teaching a method further comprising the steps of displaying a photographic image data on a web site, and downloading a said photographic image from said web site to a remote computer entity.

Nevertheless, Weston is found to teach an automated photo capture and retrieval system in which the photographic image captured may be viewed and/or downloaded from a home computer using the World Wide Web (col. 10 lines 33-36 and lines 50-56.) It would have been obvious to one of ordinary skill in the art at the time of the invention to display and download the photographic image data of the method as taught by Donnelly, via a web site as taught by Weston. One of ordinary skill in the art at the time of the invention would have been motivated to combine this feature as a way for family and friends at remote locations to view and receive the images of an event from a location different than that of the event or that of the destination to which the images were/will be delivered.

**Claims 22 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US #6,809,762) in view of Frey et al. (6,369,908.)

Regarding claim 22, Donnelly teaches all the limitations of claim 22 (see the 102(e) rejection to claim 14 supra) except for teaching a method further comprising the processes of collecting personalized message data from said user, and delivering a message contained in said message data, to said delivery destination, together with

said image. However, it is noted that Donnelly does provide for delivery of the image to a specified destination (col. 6 lines 1-4.)

Nevertheless, Frey is found to teach a system for automated photo capture in which personalized message data from the user can be collected and superimposed on the image (col. 4 lines 23-29.) It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability to collect and superimpose personalized message data from said user onto the image as taught by Frey, with the method as taught by Donnelly, for the purpose further customizing the photograph image that is to be delivered to the destination specified.

Regarding claim 25, Donnelly teaches a method of providing photographic images to a user specified destination, said method comprising the processes of collecting electronic user registration data, describing a name and address of a user person (col. 4 lines 10-12; col. 5 line 63 – col. 6 line 4), collecting delivery destination data specifying a delivery destination of an image (col. 5 line 63 – col. 6 line 4), generating photograph image data of a field of view, in response to an input signal generated by an individual person (col. 4 lines 44-48), wherein said photograph image data is generated in response to an input signal received in close physical proximity to a site of capture of a said photograph image date (col. 4 lines 44-48), collecting electronic account data describing a financial account of said user person (col. 3 line 64 – col. 4 line 2), using said electronic account data and electronic user registration data to collect payment (col. 3 lines 20-21; col. 4 lines 3-12.) However, Donnelly is not found to teach

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collecting personalized message data and delivering a said image, and a said message containing said message data to said delivery destination.

Nevertheless, Frey is found to teach a system for automated photo capture in which personalized message data from the user can be collected and superimposed on the image (col. 4 lines 23-29.) It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability to collect and superimpose personalized message data from said user onto the image as taught by Frey, with the method as taught by Donnelly, for the purpose further customizing the photograph image that is to be delivered to the destination specified.

**Claim 26** is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnelly et al. (US #6,809,762) in view of Goldberg (WO 98/10358.)

Regarding claim 26, Donnelly teaches a photographic service system comprising at least one service provider computer entity configured to electronically receive said image data from a camera (col. 5 lines 12-16), receive user registration data describing personal details of a user and receive delivery address data specifying a delivery destination for delivery of a photographic product (col. 5 line 63 – col. 6 line 4), said service provider computer entity configured to send said photographic image data to a destination specified by said delivery address data (col. 5 line 63 – col. 6 line 4), and receive user account data describing financial account data of a user (fig. 1; col. 4 lines 2-32.)



Supplemental to this, Goldberg teaches a photo system which includes at least one camera installation for capturing photographic digital image data in response to an input signal (p. 6 line 31 – p. 7 line 9), said camera installation comprising a camera capable of taking photographic image data capturing an image over a field area of a size capable of containing a plurality of human individuals (figure 2 indicator 63; p. 8 lines 9-11; p. 13 lines 17-32; p. 14 lines 20-29), a user portable activation device for activating said camera device to capture a said photographic image data, said activation device carrying a unique identifier data for identifying said user (figure 2 indicator 49; p. 7 line 33 – p. 8 line 6), and a data entry device capable of receiving data identifying a user of the camera installation, the data entry device being provided in close physical proximity to said camera device (figure 2 indicator 52; p. 8 lines 3-6.) It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a camera installation as taught by Goldberg with the system as taught by Donnelly, for the purpose of eliminating the need for a human photographer to be stationed at a photo opportunity location.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chumbley (WO 97/04353) discloses a photo-vending device, which includes a handheld remote control.

Renie (US #5,576,836) discloses a personal video capture system for use at amusement parks and employing similar camera installations.

Shiota et al. (US #6,324,521) discloses a network photograph service system.

Shigenaga et al. (US #5,554,984) discloses a smart card used for storing user registration and financial information.

### ***Contact***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Vieaux whose telephone number is 703-305-9573 until March 1, 2005, and 571-272-7318 afterwards. The examiner can normally be reached during his normal office hours, which are Monday - Friday, 8:00am - 4:00pm, with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber (SPE 2612) can be reached at 703-305-4929 until March 1, 2005, and at 571-272-7308 afterwards. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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